Supreme Court, U.S.
FILED

No. 04-1612 MAY 31 2005

IN THE

Supreme Court of the United States

NEW YORK COASTAL PARTNERSHIP, INC., MAURICE BARBASH, JOHN W. LUND, SANDY ASSOCIATES, EUGENE D. FALK, DAVID ASH, JEROME LEVY, M.D., WELLS NEWELL, JOYCE SEGAL, THE HARBOUR CLUB, MODICA ASSOCIATES OF NEW YORK 122, LLC, FIRE ISLAND FERRIES, INC., JMA INDUSTRIES, INC., DAVID A. SLOANE, HARRY PARITSKY, WHITE CAP FISH COMPANY, INC., LEONARD WEINSTEIN, RICHARD STAFFORD, PAMELA JOHNSON, SAYVILLE FERRIES SERVICE, INC., DAVIS PARK FERRY CO., INC., ROBERT JOHNSON, DUNEWOOD PROPERTY OWNERS' ASSOCIATION, FAIR HARBOR FIRE DISTRICT, and JAMES GROVER, JR.,

Petitioners,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR, GALE NORTON, SECRETARY OF INTERIOR, MICHAEL T. REYNOLDS, SUPERINTENDENT OF THE FIRE ISLAND NATIONAL SEASHORE, UNITED STATES ARMY CORPS OF ENGINEERS, FRANCIS J. HARVEY, SECRETARY OF THE ARMY, CARL A. STROCK, CHIEF OF ENGINEERS, U.S. ARMY CORPS OF ENGINEERS, RANDY L. DANIELS, SECRETARY, NEW YORK STATE DEPARTMENT OF STATE, and DENISE M. SHEEHAN, ACTING COMMISSIONER, STATE OF NEW YORK, DEPARTMENT OF ENVIRONMENTAL CONSERVATION,

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals For the Second Circuit

PETITION FOR WRIT OF CERTIORARI

IRVING LIKE
REILLY, LIKE, & TENETY
179 Little East Neck Road North
Babylon, N.Y. 11704
(631) 669-3000

DAVID T. GOLDBERG
Counsel of Record
99 Hudson Street, 8th Fl.
New York, N.Y. 10013
(212) 334-8813

Additional counsel on inside cover

SEAN H. DONAHUE
2000 L. Street, Suite 808
Washington, DC 20036
(202) 466-2234

LEON FRIEDMAN
148 East 78th Street
New York, N.Y. 10021
(212) 737-0400

LAWRENCE R. LIEBESMAN
HOLLAND & KNIGHT LLP
2099 Pennsylvania Ave., NW
Washington, D.C. 20006
(202) 955-3000

QUESTIONS PRESENTED

The following questions are presented for the Court's review:

1. In an APA suit to compel an agency to take specific actions directed by Congress, does the Article III standing of a plaintiff whose interests the measure was designed to protect, *see Lujan v. Defenders of Wildlife*, 504 U.S. 555, 572-73 nn. 7 & 8 (1992), depend on his showing that performance of the congressionally-mandated *process* will "likely" achieve his preferred outcome?
2. Are federal courts categorically precluded from awarding declaratory and injunctive relief under the Takings Clause?

RULE 29.6 CORPORATE DISCLOSURE STATEMENT

The following Petitioners are nongovernmental corporations. None has a corporate parent, nor does any publicly held company own 10% or more of any of these corporations' stock.

New York Coastal Partnership, Inc.
Modica Associates of New York 122, LLC
Fire Island Ferries, Inc.
JMA Industries, Inc.
White Cap Fish Company, Inc.
Sayville Ferries Service, Inc.
Davis Park Ferry Co., Inc.

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